

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

VANCE MASCI,

Plaintiff,

v.

CDI NORTHWEST LLC, CDI  
MANAGEMENT CORP.,  
MILWAUKEE CENTER FOR  
DIAGNOSTIC IMAGING LLC, and  
JOHN DOES 1 - 5,

Defendants.

Case No. 16-CV-1091-JPS

**ORDER**

This is a class action based on the alleged sending of “junk faxes” to Plaintiff and the class members. (Docket #1). No class has been certified, nor has any genuine motion for class certification been briefed or decided.<sup>1</sup> On May 16, 2017, the parties filed a joint stipulation of dismissal of the entire action, requesting that Plaintiff’s individual claims be dismissed with prejudice, and the class members’ claims without prejudice. (Docket #26). The Court will adopt that stipulation. See Fed. R. Civ. P. 41(a)(1)(A)(ii).

Accordingly,

**IT IS ORDERED** that the parties’ joint stipulation of dismissal (Docket #26) be and the same is hereby **ADOPTED**; Plaintiff’s individual claims be and the same are hereby **DISMISSED with prejudice** and the

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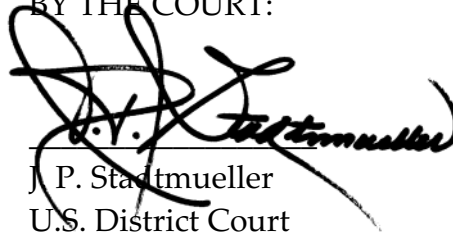
<sup>1</sup>Plaintiff filed a placeholder class certification motion pursuant to the Seventh Circuit’s decision in *Damasco v. Clearwire Corp.*, 662 F.3d 891, 896 (7th Cir. 2011). (Docket #4). The motion was intended to be supplemented later after class discovery was complete. *Id.*

claims of the putative class members be and the same are hereby  
**DISMISSED without prejudice.**

**IT IS FURTHER ORDERED** that this action be and the same is  
hereby **DISMISSED.**

Dated at Milwaukee, Wisconsin, this 17th day of May, 2017.

BY THE COURT:



J. P. Stadtmueller  
U.S. District Court